

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Case No.: 3:06-cv-00120**

WARNER BROS. RECORDS INC., a Delaware)
corporation; CAPITOL RECORDS, INC., a)
Delaware corporation; UMG RECORDINGS,)
INC., a Delaware corporation; SONY BMG)
MUSIC ENTERTAINMENT, a Delaware general)
partnership; ARISTA RECORDS LLC, a)
Delaware limited liability company; and BMG)
MUSIC, a New York general partnership,)

Plaintiffs,)

v.)

PATRICK SWANN,)

Defendant.)

DEFAULT JUDGMENT AND PERMANENT INJUNCTION

Based upon Plaintiffs' Motion For Default Judgment, and good cause appearing therefore, it is hereby Ordered and Adjudged that:

.Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the fourteen sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Ten Thousand Five Hundred Dollars (\$10,500.00).

1. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Three Hundred Ten Dollars (\$310.00).

2. Defendant further shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Material Girl," on album "Like a Virgin," by artist "Madonna" (SR# 59-442);

- "Wild Boys," on album "Arena," by artist "Duran Duran" (SR# 58-461);
- "Hungry Like the Wolf," on album "Rio," by artist "Duran Duran" (SR# 38-444);
- "I Cross My Heart," on album "Pure Country," by artist "George Strait" (SR# 146-421);
- "Shake You Down," on album "Shake You Down," by artist "Gregory Abbott" (SR# 71-785);
- "It Must Be Love," on album "Under The Influence," by artist "Alan Jackson" (SR# 303-828);
- "Lost And Found," on album "Brand New Man," by artist "Brooks & Dunn" (SR# 140-290);
- "Here Comes the Rain Again," on album "Touch," by artist "Eurythmics" (SR# 52-363);
- "Heart of Glass," on album "Parallel Lines," by artist "Blondie" (SR# 4-090);
- "We've Got Tonight," on album "Stranger in Town," by artist "Bob Seger" (SR# 5-591);
- "Carried Away," on album "Blue Clear Sky," by artist "George Strait" (SR# 221-625);
- "Gloria," on album "October," by artist "U2" (SR# 30-452);
- "Gone Country," on album "Who I Am," by artist "Alan Jackson" (SR# 202-090);
- "Please Forgive Me," on album "White Ladder," by artist "David Gray" (SR# 297-324);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e.,

upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

IT IS SO ORDERED.

Signed: April 2, 2007

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

